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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,712

03/23/2004

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81232 7114

2664

37123 7590 11/09/2009
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EXAMINER

TAYLOR, JOSHUA D

ART UNIT

PAPER NUMBER

2426

MAIL DATE

DELIVERY MODE

11/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,712	Applicant(s) NISHIKAWA ET AL.	
	Examiner JOSHUA TAYLOR	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/2/2009, 8/24/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to a Request for Continued Examination entered August 24, 2009 for the patent application 10/806,712 filed on March 23, 2004.
2. The Final Office Action of May 22, 2009 is fully incorporated into this Office Action by reference.

Status of Claims

3. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (Pat. No.: US 7,386,871) in view of Ahmad et al. (Pat. No.: US 6,263,507), and further in view of McCoskey et al. (Pub. No.: US 2003/0028889).

Examiner's Note (EN): ¶10. below applies.

Regarding claim 1, Knudson discloses **a method of displaying content to at least one user, comprising: providing access to characterizing descriptors as individually correspond**

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to a plurality of discrete selectable items of data (Figs. 3, 6, 7, 13. Each figure shows multiple descriptions corresponding to selectable television programs.); **on a display comprising a two-dimensional display region** (The figures cited comprise a two-dimensional display region.), **simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least some of the discrete selectable items of data, which discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the discrete selectable items of data** (Fig. 6. The channel number and description can be described as a discrete indicator.); **providing a segregated display area within the two-dimensional display region** (Fig. 13 shows a segregated display area.), **automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators** (Figs. 13, 14a and 14b, column 15, lines 36-59. The scrolling controllable ticker scrolls through categories and items). Knudson, while disclosing displaying additional information about the items (column 16, lines 12-23), does not disclose **automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area**. However, in analogous art, Ahmad teaches automatically displaying additional, related information based on the current position of a marker in relation to a segment of a multi-segmented piece of audio-visual content (Figs. 2a and 2b, column 3, lines 34-59, column 16, lines 53-54, column 18, lines 22-44, column 19, lines 2-4, and column 23, lines 3-9). In other words, as the marker indicating the currently viewed segment moves, in a predetermined way, across the segments of primary information, the

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secondary information changes based on the position of the marker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Knudson to include automatically displaying the additional content corresponding to the characterizing descriptors for a given discrete indicator. This would have produced predictable and desirable results, as the user would be given access to additional information in a controlled manner, without being overloaded with an excess of information all at once.

Neither Knudson nor Ahmad explicitly disclose all of the following, but in analogous art, McCoskey discloses **providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword** (paras. [0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey uses, among other things, a keyword to suggest programming to viewers.), **the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user** (paras. [0081]-[0089]. A user can customize the search by changing search criteria.), **wherein the at least one smart filter simultaneously considers content across a plurality of media** (para. [0017]), **thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats** (Fig. 18b,

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paras. [0063] and [0087]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Knudson and Ahmad to include the enhanced suggestion techniques as taught by McCoskey, as this would have allowed users to further narrow their search for content, as well as expand their options in terms of from where said content was being received.

Regarding claim 2, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 1**, and Knudson further discloses **wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Figs. 3, 6, 7 and 13 all have textual characterizing descriptors).

Regarding claim 3, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 1**, and Knudson further discloses **wherein simultaneously providing a plurality of discrete indicators further comprises simultaneously providing a plurality of content titles** (Fig. 6, element 30, column 10, lines 45-46).

Regarding claim 4, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 1**, and Knudson further discloses **wherein the plurality of discrete selectable items of data comprises a plurality of discrete selectable items of audio/visual content** (Figs. 3, 6, 7 and 13 all display items of audio/visual content).

Regarding claim 5, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4**, and Knudson further discloses **wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable items of data comprises at**

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least one of: a programming network identifier; a broadcast starting time; a description of the audio/visual content; content media source (Fig. 6 displays network identifiers and channel starting times).

Regarding claim 6, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4**, and Knudson further discloses **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (column 2, lines 33-41).

Regarding claim 7, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4**, and Knudson further discloses **wherein automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area comprises automatically displaying video content as corresponds to the characterizing descriptors for the given one of the discrete indicators** (Fig. 13, element 187, column 14, lines 20-33).

Regarding claim 8, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4**, and Knudson further discloses **wherein the plurality of discrete selectable items of audio/visual content comprises recently accessed items of audio/visual content** (column 15, line 60 – column 16, line 11).

Claims 15-19 are system claims corresponding to method claims 1, 4, 7, 12 and 13. Thus, the rejections of claims 1, 4, 7, 12 and 13, as stated above and below, will apply. To carry out the method steps as prescribed in claims 1, 4, 7, 12 and 13, Knudson in view of Ahmad and

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McCoskey as a whole would have rendered obvious an interactive data display system as prescribed in claims 15-19.

Regarding claim 20, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 1**, and Knudson further discloses **wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Figs. 3, 6, 7 and 13 all have textual characterizing descriptors), **wherein simultaneously providing a plurality of discrete indicators further comprises simultaneously providing a plurality of content titles** (Fig. 6, element 30, column 10, lines 45-46), **wherein the plurality of discrete selectable items of data comprises a plurality of discrete selectable items of audio/visual content** (Figs. 3, 6, 7 and 13 all display items of audio/visual content), **wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable items of data comprises at least one of: a programming network identifier; a broadcast starting time; a description of the audio/visual content; content media source** (Fig. 6 displays network identifiers and channel starting times), **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (column 2, lines 33-41), **wherein automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area comprises automatically displaying video content as corresponds to the characterizing descriptors for the given one of the discrete indicators** (Fig. 13, element 187, column 14, lines 20-33), **and wherein the plurality of discrete selectable items of**

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audio/visual content comprises recently accessed items of audio/visual content (column 15, line 60 – column 16, line 11).

5. Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (Pat. No.: US 7,386,871) in view of Ahmad et al. (Pat. No.: US 6,263,507), and further in view of Reisman (Pub. No.: US 2004/0031058) and McCoskey et al. (Pub. No.: US 2003/0028889).

Regarding claim 9, Knudson discloses **a method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Figs. 3, 6, 7, 13. Each figure shows multiple descriptions corresponding to selectable television programs.); **on a display comprising a two-dimensional display region** (The figures cited comprise a two-dimensional display region.); **simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least some of the discrete selectable items of data, which discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the discrete selectable items of data** (Fig. 6. The channel number and description can be described as a discrete indicator.); **providing a segregated display area within the two-dimensional display region** (Fig. 13 shows a segregated display area.), **automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators** (Figs. 13, 14a and 14b, column 15, lines 36-59. The scrolling controllable ticker scrolls through categories and items). Knudson, while disclosing

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displaying additional information about the items (column 16, lines 12-23), does not disclose **automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area.** However, in analogous art, Ahmad teaches automatically displaying additional, related information based on the current position of a marker in relation to a segment of a multi-segmented piece of audio-visual content (Figs. 2a and 2b, column 3, lines 34-59, column 16, lines 53-54, column 18, lines 22-44, column 19, lines 2-4, and column 23, lines 3-9). In other words, as the marker indicating the currently viewed segment moves, in a predetermined way, across the segments of primary information, the secondary information changes based on the position of the marker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Knudson to include automatically displaying the additional content corresponding to the characterizing descriptors for a given discrete indicator. This would have produced predictable and desirable results, as the user would be given access to additional information in a controlled manner, without being overloaded with an excess of information all at once.

The combined teachings of Knudson and Ahmad does not disclose **providing a plurality of user-selectable characterizing descriptor filter criteria;** nor displaying the selectable items of data **as corresponds to a present selection of a characterizing descriptor filter criterion.** However, in analogous art, Reisman discloses that “One method that might be used to differentiate levels of service relates to the display of filtered and ranked program listings. Personalized EPG functions could, for instance, present only the programs expected to be desired by the user, perhaps in order of desirability, instead of a non-personalized, unfiltered mass of

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listings, whether organized in a grid, or in other listing structures, such as by genre or person (paragraph [0687]).” Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added this additional feature to the teachings of Knudson and Ahmad. This would have produced predictable and desirable results, as having filtered data would allow the user to see information that is more likely to be useful to the viewer, thus increasing the efficiency of the display.

When discussing filters, Reisman does not explicitly disclose all of the following, but in analogous art, McCoskey discloses **providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword** (paras. [0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey uses, among other things, a keyword to suggest programming to viewers.), **the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user** (paras. [0081]-[0089]. A user can customize the search by changing search criteria.), **wherein the at least one smart filter simultaneously considers content across a plurality of media** (para. [0017]), **thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different**

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formats (Fig. 18b, paras. [0063] and [0087]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reisman's teaching of filters to include incorporating the enhanced suggestion techniques as taught by McCoskey into the method taught by Knudson and Ahmad, as this would have allowed users to further narrow their search for content, as well as expand their options in terms of from where said content was being received. This would have produced predictable and desirable results, in that it would allow the system to use the information available to provide a user with recommendations for discrete selectable items of data.

Regarding claim 10, **the method of claim 9** is rejected as stated above, and Knudson further discloses **wherein the plurality of discrete selectable items of data comprise a plurality of discrete selectable items of audio/visual content** (Figs. 3, 6, 7 and 13 all display items of audio/visual content).

Regarding claim 11, **the method of claim 10** is rejected as stated above, and Reisman further discloses **10 wherein the plurality of user-selectable characterizing descriptor filter criteria includes at least one of: recently viewed discrete selectable items of data; and recommended discrete selectable items of data** (Reisman, paragraph [0513], lines 8-11). This claim is rejected on the same grounds as claim 10, as the method of claim 10 is taught by the listed references, and the additional condition described in claim 11 is an obvious variant thereof, and is further taught by Reisman in the indicated sections.

Regarding claim 12, **the method of claim 9** is rejected as stated above, and Knudson discloses **further comprising: detecting user selection of a particular one of the plurality of discrete indicators** (column 7, line 61 – column 8, line 3). This claim is rejected on the same

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grounds as claim 9, as the method of claim 9 is taught by the listed references, and the additional condition described in claim 12 is an obvious variant thereof, and is further taught by Knudson in the indicated sections.

Regarding claim 13, **the method of claim 12** is rejected as stated above, and Knudson discloses **further comprising: sending a signal indicating user selection of the particular one of the plurality of discrete indicators** (column 7, line 61 – column 8, line 3). This claim is rejected on the same grounds as claim 12, as the method of claim 12 is taught by the listed references, and the additional condition described in claim 13 is an obvious variant thereof, and is further taught by Knudson in the indicated sections.

Regarding claim 14, **the method of claim 12** is rejected as stated above, and Knudson discloses **further comprising: detecting a remote control device signal indicating the user selection of a particular one of the plurality of discrete indicators** (column 7, line 61 – column 8, line 3). This claim is rejected on the same grounds as claim 12, as the method of claim 12 is taught by the listed references, and the additional condition described in claim 14 is an obvious variant thereof, and is further taught by Knudson in the indicated sections.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new grounds of rejection.

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention. “Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.
8. Examiner’s Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner’s Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.
9. Unless otherwise annotated, Examiner’s statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

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10. Examiner's Opinion: ¶¶ 7.-9. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
November 3, 2009